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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-201518

**DATE:** October 28, 1981

**MATTER OF:** Jon C. Wade - Subsistence expenses while occupying temporary quarters

**DIGEST:** After reporting to his new duty station in Albuquerque, New Mexico and beginning occupancy of temporary quarters, employee and family moved to Aberdeen, South Dakota, for balance of authorized 30-day period. Employee was also on temporary duty and annual leave for several days during this period. The fact that the employee was away from his both old and new duty stations and that he was on annual leave is not determinative of his entitlement. He may be paid temporary quarters expenses for the days he was on annual leave, provided the agency determines that his taking leave did not cause an unwarranted extension of the period of his occupancy of temporary quarters.

This responds to a request for an advance decision by Lupe Calabaza, an authorized certifying officer of the Department of the Interior. She seeks an opinion on the propriety of paying the claim of Jon C. Wade, an Interior employee, for subsistence expenses while occupying temporary quarters incident to a permanent change of duty station. The claim may be paid subject to an agency determination as explained below.

Mr. Wade was transferred from Phoenix, Arizona, to Albuquerque, New Mexico, and was authorized reimbursement for temporary quarters subsistence expenses (TQSE). Mr. Wade and his family moved into temporary quarters in Albuquerque on June 8, 1975, and remained in such quarters through June 13, 1975. He has been reimbursed for this period. It is the period following June 13, 1975, for which the certifying officer has requested our decision.

On June 14, 1975, Mr. Wade departed Albuquerque at his own expense to travel with his family to Aberdeen, South Dakota. The Wades spent the night of June 14, 1975, in Ogallala, Nebraska, and arrived in

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Aberdeen on June 15, 1975. Mr. Wade's family remained in Aberdeen through July 5, 1975, arriving back in Albuquerque on July 7, 1975, after staying overnight in Dodge City, Kansas. Mr. Wade departed Aberdeen on June 17, 1975, on official business travel, returning on June 28, 1975, at which time he began a period of annual leave through July 3, 1975. On July 6, 1975, Mr. Wade traveled with his family to Albuquerque, arriving on July 7, 1975.

Mr. Wade and his family had access to lodging at no cost to them during the period they spent in Aberdeen, June 15 - July 5, 1975. Thus, his claim is limited to meal expenses for this period, in addition to TQSE for June 14 in Ogallala, July 6 in Dodge City, and July 7 in Albuquerque.

Under the provisions of 5 U.S.C. § 5724a(a)(3), an employee may be reimbursed subsistence expenses for himself and his immediate family for up to 30 days while occupying temporary quarters. The implementing regulations contained in the Federal Travel Regulations (FTR)(FPMR 101-7, May 1973) provide that the period for temporary quarters should be reduced or avoided if the employee has had adequate opportunity to complete arrangements for permanent quarters (FTR para. 2-5.1), and that temporary quarters are to be regarded as an expedient to be used only if or for so long as necessary until the employee can move into permanent residence quarters (FTR para 2-5.2d).

Our decisions have held that the location of the temporary quarters need not be in the vicinity of either the old or new official duty stations so long as the quarters constitute temporary quarters under the applicable regulations. See James W. Nicks, B-191374, September 21, 1978, and decisions cited therein. We have also held that an employee may be reimbursed for subsistence expenses while on annual leave. Henry J. Kessler, B-185376, July 23, 1976.

Many of our prior decisions in this area concerned employees who had taken annual leave during the period of temporary quarters which raised the question of whether they were on "personal business." Because the regulations provide that temporary quarters should be

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regarded as an expedient for only so long as necessary until the employee can move into permanent residence quarters, that determination is dependent on whether the employee's taking of annual leave and traveling away from his new duty station caused an unwarranted extension of the period of temporary quarters or a delay in occupying permanent quarters. See Russell E. Archer, B-184137, December 29, 1975. If the employee has acted expeditiously in attempting to locate permanent quarters and has occupied permanent quarters as soon as available, he is entitled to temporary quarters expenses for the days he was on annual leave away from his old and new duty stations, since under those circumstances, he would have occupied temporary quarters regardless of whether he had taken leave. In this context, the term "personal business" refers to the necessity for the employee's occupancy of temporary quarters. Andrew J. Howard, B-195506, October 26, 1979.

We are unable to determine from the record if Mr. Wade's taking of leave during the days in question caused an unwarranted extension of the period of his occupancy of temporary quarters. For example, there is nothing in the record that indicates when his household goods were shipped, or when it was necessary that he vacate his old residence and occupy his new residence. If it is administratively determined that his actions did not cause an unwarranted extension of the period of temporary quarters occupancy, the voucher may be paid.

*for*   
Comptroller General  
of the United States